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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,723

03/24/2006

Richard George Leonard Morgan

HO-P03185US0

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26271 7590 09/12/2007  
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EXAMINER

LUKTON, DAVID

ART UNIT

PAPER NUMBER

1654

MAIL DATE

DELIVERY MODE

09/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10/538,723

EXAMINER
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ART UNIT	PAPER NUMBER
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2007-0909

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Please see the attached communication regarding the response (filed 9/4/07) to the restriction  
that was mailed on 8/10/07.

Pursuant to preliminary amendment, claim 17 has been amended, and several claims cancelled. Claims 1-9, 16-19 are now pending.

Applicants' election of Group I (claims 1-9, 16-19) is acknowledged:

In response to the requirement to elect a specific disorder, applicants have elected cancer.

In response to the requirement to elect a specific peptide, applicants have elected SEQ ID NO:7.

In response to the requirement to elect a route of administration in the elected method, applicants have elected i.v. injection.

Finally, in response to the requirement to elect a specific cell type, applicants have declined to elect such. Instead, applicants have offered that the cell type can be any that expresses an Hox gene. However, a species is not a genus, or *vice versa*.

Election is still required of a specific cell type. Note that there are various cell types referred to in the specification. For example, on page 6 (paragraph 0042) various cell types are enumerated. Applicants could elect one of these (if deemed appropriate).

Alternatively applicants can make the following admission:

If a reference discloses a particular cell type, and that cell type happens to express one of the various HOX genes, that reference renders obvious any cell type that produces any HOX gene.

If this admission is made on the record, the election requirement will be reconsidered.

Alternatively, **election is required of a specific cell type** which is displaying aberrant division.

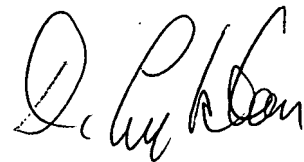
. . . . .

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang, can be reached at (571)272-0562. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.



DAVID LUKTON, PH.D.  
PRIMARY EXAMINER